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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.670 OF 2004

Sulochand V. Bokade & others Appellants
versus
Suresh Nagnath Mane & another Respondents

Mr.I.M.Khairdi for appellants.
Mr.C.M.Lokesh i/by G.S.Hegde for respondents.

CORAM : A.S.OKA, J.
DATE : 06th March 2007

PC :

1. Heard advocates appearing for the parties. Notice for final disposal has already been issued. It is not in dispute between the parties that the appeal deserves to be disposed of in terms of the orders passed in companion appeal being First Appeal No.672 of 2004. Said appeal was decided on 28th March 2003.

2. In view of the decision in First Appeal No.672 of 2004, learned advocates appearing for the parties agree that separate reasons need not be assigned for passing the order. Hence, I pass the following order

3. ORDER :-

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(a) The impugned judgement and award dated 20th March 2004 is quashed and set aside and Claim Petition being M.A.C.Petition No.537 of 1997 is restored to the file of the concerned Tribunal;

(b) The parties are directed to appear before the Tribunal on 9th April 2007 for fixing the schedule of hearing. The Tribunal will issue notice to respondent no.1. However, notice to the respondent no.2 will not be necessary as the respondent no.2 is represented before this Court;

(c) The Tribunal will allow the appellants and the respondents to lead additional evidence;

(d) Claim petition will be decided afresh as expeditiously as possible and preferably on or before 31st October 2007;

(e) All contentions of both the sides are kept open;

(f) All concerned to act on an ordinary copy of this order duly authenticated by the Registry of Bombay High Court.

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(A.S.OKA, J.)